

ACTS 209, 210 - 2024
RESOLUTION 175 - 2024
(BOND) ACTS 211, 212 - 2024

Reference WD103 and WD105

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the approval of a legislative package which, if approved by your Honorable Board would authorize the County of Westchester ("County") to proceed with Capital Project WD103 – County Water District #1 – Alternate Water Supply ("WD103") and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline ("WD105"), for the benefit of County Water District No. 1 ("District"), subject to an order issued by the Comptroller of the State of New York ("State Comptroller") permitting the expenditure, as described herein.

The Department of Environmental Facilities ("Department") has advised that WD103 and WD105 (together the "Program") will provide for an alternate water supply connection to the New York City Department of Environmental Protection ("DEP") Delaware Aqueduct at Shaft 23, located in the City of Yonkers. The Department is requesting the study, design, construction management, and construction funding authorization for this comprehensive upgrade Program that will consist of multiple projects to improve the resiliency of the District's infrastructure. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing Kensico Bronx Pipeline ("KBP"). The work will also include the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves on the existing 48 inch KBP. The new valves will be strategically located for improved reliability, serviceability, maintainability, and to minimize impacts of water supply disruptions that would occur due to pipe failures at points along the Existing KBP. Improvements to County facilities located at the DEP Shaft 22 in the City of Yonkers which provides water to the KBP will also be required. The Program will also address the need to install an un-interruptible power supply ("UPS") for the District's Central Avenue Pumping Station ultraviolet ("UV") facility. This UPS system will provide for uninterrupted UV treatment during utility power interruptions or power outages. This Program will also provide for the rehabilitation of the existing 71,000 linear feet of 48- inch KBP.

As your Honorable Board may recall, by Bond Act Nos. 3-2011, 187-2014, and 65-2015, previously authorized the County to issue bonds of the County for WD103, in an amount not-to-exceed \$9,419,000 for the study, design, construction management, and construction of two UV disinfection facilities; the Central Avenue and Orchard Street facilities, in the City of White Plains, and a study for evaluating an alternative water supply for the southern section of the KBP, for the benefit of the District. Your Committee is advised that these bonds have been partially sold, and at this time, there remains \$51,780.24. It is now requested that your Honorable Board authorize the issuance of bonds of the County in an amount not-to-exceed \$8,750,000 for the study, design, and construction management of the Program. It is estimated that study and design will take approximately twenty-four (24) months to complete. After design has been completed, a new request for the issuance of bonds of the County for the construction component of the Program will be submitted to your Honorable Board. The total estimated cost for the entire Program is \$105,000,000.

Your Committee is advised that the Department prepared a report dated August 15, 2024 (“District Report”) on behalf of the District, which recommends this Program. In its report, the Department has advised that the Program is necessary for the proper maintenance and service of District facilities and therefore is in the public interest. It will provide greater redundancy and reliability in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements. Based on its review, the Department has determined that the proposed Program is the best, most cost effective option available to the District for this purpose. A copy of the District Report is attached hereto for your Honorable Board’s review.

Your Honorable Board will recall that the District was duly established by Act No. 29-1964 (the “Act”), of the Westchester County Board of Supervisors. The District is comprised of the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale. This Act also approved the acquisition of the KBP for purposes of the District, the reconstruction and rehabilitation of said pipeline including direct connections to the Kensico Reservoir and the Delaware Aqueduct, and established zones of assessment and allocation of costs between zones of assessment. The four zones of assessment to assess District costs is as follows: White Plains 30%, Mount Vernon 28%; Yonkers 24%; and Scarsdale 18%.

As your Honorable Board may further recall, Article 5-A of the New York County Law (“Article 5-A”) imposes certain legal requirements on the County before projects can move forward. One such requirement is that your Honorable Board must conclude, after holding a public hearing that the proposed action is in the public interest. In this regard, a proposed resolution authorizing legal notice for the necessary public hearing is attached hereto (“Public Hearing Resolution”), which sets a date for a public hearing and annexes a copy of the notice to be published (“Notice”), as well as directing the Clerk to publish said Notice.

Further, as your Honorable Board may recall, pursuant to Article 5-A, approval of the New York State Comptroller’s Office (“State Comptroller”) is required in certain instances for the issuance of bonds to finance an increase and improvement of water district facilities. Section 268.3 of Article 5-A provides, in pertinent part, that:

“Whenever it is proposed or required that the county in which a district is located shall finance an expenditure or contract for the purposes authorized in this section by the issuance of the bonds...and the cost to the typical property or, if different, the typical one or two family home...is above the average estimated cost to the typical properties or or homes for similar types of expenditures as may be annually computed by the state comptroller, no such expenditure shall be made or contract let, unless the state comptroller, on behalf of the state, shall consent to such expenditure.” (Emphasis added).

In accordance with the above-referenced section, the State Comptroller typically issues annual guidelines setting forth average estimated costs with respect to, among other things, county water districts. The guidelines designate cost thresholds for such special districts at or below which approval by the State Comptroller’s Office is determined to be unnecessary. For 2024, the State Comptroller published that “there was insufficient data to calculate meaningful average estimated costs. Therefore, any type of district not listed above will be subject to applicable requirements for obtaining the State Comptroller’s approval, irrespective of the cost to the typical property or home, if debt is proposed to be issued to finance the improvement.” The State Comptroller’s Office did not issue a 2024 cost threshold for water districts, so approval of the State Comptroller is required for this Project. A copy of the guidelines has been annexed hereto.

Your Committee is advised that in order to comply with Article 5-A, and for the purposes of the public hearing, the Department, in conjunction with the Finance Department, has calculated that the issuance of \$105,000,000 in bonds of the County for the Program equates to an estimated annual debt service payment of \$6,636,993. The Department anticipates that the Program will involve ongoing operations and maintenance costs above the current operating budget for additional water treatment in the amount of \$340,000 annually. The addition of the

above mentioned operational costs results in a total annual cost for this Program of \$6,976,993. Accordingly, when distributed over the 67,774 taxable parcels of the District, the weighted average cost to the typical District property is approximately \$118.65, as more fully set forth in the District Report.

Further, in order to obtain the approval of the State Comptroller, State regulations require that the County submit a verified application (“Application”) in the form prescribed by 2 NYCRR Part 85 (“State Regulations”), to the Office of the State Comptroller. The State Regulations further require that your Honorable Board adopt a resolution (“State Regulations Resolution”) stating that it believes the following: the contents of the Application are accurate; that the proposed improvements are in the public interest; that said improvements will not constitute an undue burden on the property that will bear the cost thereof; and if the cost of the proposed improvements are to be assessed in whole or in part against benefited property, that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property will be excluded. Should your Honorable Board, after the conclusion of the public hearing determine that the proposed increase and improvements are in the public interest, the Application and State Regulations Resolution are annexed hereto for your Honorable Board’s review and approval.

The Department of Planning (“Planning”) has advised that based on its review, the actions described in this legislation have been classified as “Type II” pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617.5(c)(27): “conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action”. Therefore, no further environmental review is required. The SEQR status sheets prepared by Planning are annexed hereto. Your Committee has reviewed the status sheets prepared by Planning and concur with this conclusion.

In order to proceed with the Program, approval of your Honorable Board is needed as follows:

1. Public Hearing Resolution – authorizing a public hearing to be held;
2. Act – authorizing the County to proceed with the Program for the benefit of the District and to implement improvements necessary, subject to the approval of the State Comptroller;
3. Act; authorizing that a verified application be submitted to the State Comptroller;

4. State Regulations Resolution – as required by the State Regulations (2 NYCRR Part 85) in order to submit the verified application to the State Comptroller; and

5. Bond Acts – authorizing the issuance of up to an additional \$8,750,000 in bonds to finance the study, design and construction management for the Program subject to the consent of the State Comptroller authorizing such expenditure.

Please note that an affirmative vote of two thirds of the members of your Honorable Board is required in order to adopt the Bond Acts, while a majority vote is required to adopt the remainder of the legislative package.

Your Committee has carefully considered the proposed Program and based on its importance, it is recommended that your Honorable Board adopt the Public Hearing Resolution. Furthermore, in the event that your Honorable Board should, following the public hearing, conclude that the proposed actions are in the public interest, it is recommended that your Honorable Board adopt the remainder of the legislative package.

Dated: September 30th, 2024
White Plains, New York

Handwritten signatures:
James Zeller John -
Stef
Z. V.
Mandy Barr
Didat Galbi
Jul N
D. M.

Handwritten signatures:
Stef
James Zeller John -
Z. V.
Mandy Barr
Didat Galbi

COMMITTEE ON
c/lac/8.15.24

Budget & Appropriations

Public Works & Transportation

County of Westchester Department of Environmental Facilities

CAPITAL PROJECTS WD103 & WD105:
COUNTY WATER DISTRICT NO. 1 -
ALTERNATE WATER SUPPLY &
REHABILITATION OF THE 48-INCH KENSICO-BRONX PIPELINE

DISTRICT REPORT

Dated: August 15, 2024

Vincent F. Kopicki, P. E.
Commissioner

I. INTRODUCTION

The Department of Environmental Facilities (the “Department”) on behalf of Westchester County Water District No. 1 (the “District”) is proposing an increase, addition and improvement of existing District facilities, which is necessary for the continued effective operation of the District in compliance with state, federal, and local law as described herein, and for which the Department at this time, seeks approval of a bond act of the County, in an amount not to exceed \$8,750,000 to finance the study, design, and construction management of a comprehensive program to rehabilitate, improve, and provide a redundant connection for the 48-inch Kensico-Bronx Pipeline (KBP) (the “Program”). However, at this time, the Department is currently requesting the New York State Comptroller’s approval for a total maximum not-to-exceed cost of \$105,000,000 which accounts for the estimated ultimate total cost of this Program, including the elements of work mentioned above and the construction costs. The Department plans to seek the County’s approval for the construction funding at a later date.

Capital Projects WD103 & WD105: County Water District No. 1 – Alternate Water Supply and Rehabilitation of the 48-inch Kensico-Bronx Pipeline

The current upgrade Program that is the subject of this District Report is described herein in Section III, and will provide funding for the upgrade of drinking water treatment and conveyance equipment and systems, in the District, to improve the reliability of the County’s drinking water service to the member municipalities, which consist of the Village of Scarsdale, and the Cities of White Plains, Mount Vernon, and Yonkers.

The Department’s plan of financing for this Program includes previous requests totaling \$9,419,000 authorized by Bond Act Nos. 3-2011, 187-2014, and 65-2015 for WD103, for the study, design, construction management, and construction of two ultraviolet (UV) disinfection facilities, the Central Avenue facility and the Orchard Street facility, in the City of White Plains, and a study for evaluating an alternative water supply for the southern section of the KBP, for the benefit of the District.

II. BACKGROUND

By Act No. 29-1964 (the “Act”), the Westchester Board of Supervisors established the District comprising the territorial limits of the Cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale. This Act also approved the acquisition of a forty-eight (48) inch pipeline, known as the KBP, owned by the City of New York for purposes of the District, the reconstruction and rehabilitation of said pipeline including direct connections to the Kensico Reservoir and the Delaware Aqueduct, and established zones of assessment and allocation of costs between zones of assessment.

The District includes four (4) zones of assessment, which were established correlating to the municipalities in the District, and the apportionment of taxes for the cost of acquisition, reconstruction, rehabilitation, operation and maintenance of District facilities.

III. THE CURRENT RECOMMENDED PROGRAM

WD103 Alternative Water Supply & WD105 Rehabilitation of the 48-inch Kensico Bronx Pipeline

The Department is requesting study, design, construction management, and construction funding authorization for the comprehensive upgrade Program that will consist of multiple projects to improve the resiliency, reliability and redundancy of the District's critical delivery infrastructure.

This Program will provide for an alternate water supply connection to the NYCDEP Delaware Aqueduct at Shaft 23, located in the City of Yonkers. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing KBP. The work will also include the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves on the existing 48-inch KBP. The new valves will be strategically located for improved reliability, serviceability, maintainability, and to minimize potential impacts of water supply disruptions that would occur due to pipe failures at points along the existing KBP. Improvements to County facilities located at New York City's Shaft 22 in Yonkers, which provides water to the KBP, will also be required, and is included in this approval request.

In addition, this Program will also address the need to install an un-interruptible power supply (UPS) for the District's Central Avenue Pumping Station (CAPS) UV facility. This UPS system will provide for uninterrupted UV treatment during utility power interruptions or power outages.

The Program will also provide for the rehabilitation of the existing 71,000 linear feet of 48-inch KBP. The overall condition of the existing KBP will be assessed to identify all needed pipe rehabilitation or site drainage improvements as well as evaluating pipe replacement and routing alternatives for new piping. Construction phasing and methods to maintain operations during construction, and preliminary costs estimates for each type of deficiency identified, will also be included in the study. A design for the rehabilitation of the KBP will be developed based on the results of the study.

IV. EFFECT ON COST OF OPERATION

The cost of the proposed improvements for this Program will be assessed against all District properties benefiting from the Program, noting that no benefited property will be excluded.

The Department anticipates that the Program will involve ongoing operations and maintenance costs above the current operating budget for additional water treatment. The anticipated additional cost is \$340,000 annually.

For purposes of calculating the cost to the typical District property in accordance with Article 5-A of the County Law, the following calculations are based on the total estimated cost of \$105,000,000 as for the portions of the Program described above in Section III.

The County Finance Department has calculated that the issuance of \$105,000,000 in bonds of the County, equates to an estimated annual debt service payment of \$ 6,636,993. The addition of the above mentioned operational costs results in a total annual cost for this Program of \$6,976,993. Accordingly, when distributed over the 67,774 taxable parcels in the District, the weighted average cost to the typical District property is approximately \$118.65.

Please refer to Attachment No. 1 for a detailed summary of the estimated total costs for the Program.

V. FINDINGS AND RECOMMENDATIONS

The Department has carefully reviewed the proposed increase and improvement of the District facilities and recommends approval of the above referenced Program. This Program is necessary for the proper maintenance and service of District facilities, and therefore in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements and is the best, most cost effective option available for this purpose.

Attachment No. 1

The proposed estimated cost of the portions of the Program described above in Section III include an amount not-to-exceed \$105,000,000 for the benefit of County Water District No. 1 (the "District") which is comprised of four (4) zones of assessment as follows:

<u>Municipalities/Zones</u>	<u>Percent</u>	<u>Program Cost</u>
Mount Vernon	28.00%	\$29,400,000
White Plains	30.00%	\$31,500,000
Yonkers	24.00%	\$25,200,000
Scarsdale	18.00%	\$18,900,000
Total	100.00%	\$105,000,000

The Executive Director of the Westchester County Tax Commission advised the Department that the following are the assessed values that approximate the assessed value of a majority of the typical properties in the municipalities forming the District:

Municipality Typical Residential Assessed Value:

City of Mount Vernon:	\$9,807
City of White Plains:	\$14,554
City of Yonkers:	\$11,266
Village of Scarsdale:	\$1,606,457

Following the formula set forth in 2 NYCRR 85.4(q), the Department calculated that it is estimated that the owner of a typical one or two family home will be required to pay \$118.65 "in the first year . . . for debt service, operation and maintenance and other charges...related to the proposed improvements"

ACT NO. 209 - 2024

AN ACT to increase and improve Westchester County Water District No. 1 facilities to carry out capital projects WD103 and WD105 in accordance with the recommendations of the District Report of Department of Environmental Facilities subject to an order of the Comptroller of the State of New York

NOW, THEREFORE, BE IT ENACTED by the members of the Board of Legislators of the County of Westchester as follows:

Section 1. This Board finds, after holding a public hearing pursuant to Section 268 of Article 5-A of the New York County Law, that the proposed increase and improvement to Westchester County Water District No. 1 (“District”), described as Capital Project WD103 – County Water District #1 – Alternate Water Supply (“WD103”) and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline (“WD105” and together with WD103 the “Program”) as set forth in the District Report of the Department of Environmental Facilities dated August 15, 2024 (“District Report”), at a maximum estimated cost of One Hundred Five Million (\$105,000,000) Dollars, is necessary for the proper maintenance and service of District facilities, therefore is in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements, and is the best, most cost effective option available for this purpose.

§2. The County of Westchester, on behalf of the District is hereby authorized and empowered to proceed with the increase and improvement for the District substantially in accordance with the District Report, subject to an order of the Comptroller of the State of New

York approving the expenditure of bonds of the County. The expense shall be proportioned among the benefited municipalities in accordance with the duly established zones of assessment, as follows: City of White Plains 30%; City of Mount Vernon 28%; City of Yonkers 24% and the Village of Scarsdale 18%, of the total cost.

§3. The Clerk of the Board of Legislators shall, within ten (10) days of the enactment of this Act, cause certified copies of this Act to be filed with and recorded in the Office of the County Clerk and shall also file certified copies of this Act with the State Department of Audit and Control in Albany, New York.

§4. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§5. This Act shall take effect immediately.

ACT NO. 210 - 2024

AN ACT to authorize the Chairman of the Board of Legislators or his authorized designee to execute all instruments and take all actions reasonable, necessary and appropriate to petition the Comptroller of the State of New York pursuant to Section 268 of Article 5-A of the New York State County Law for an order approving the County's issuance of bonds for an increase and improvement of facilities of County Water District No. 1

NOW, THEREFORE, BE IT ENACTED by the members of the Board of Legislators of the County of Westchester ("Board") as follows:

Section 1. This Board finds, after holding a public hearing pursuant to Section 268 of Article 5-A of the New York County Law, that the proposed increase and improvement to Westchester County Water District No. 1 ("District"), described as Capital Project WD103 – County Water District #1 – Alternate Water Supply ("WD103") and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline ("WD105" and together with WD103 the "Program") as set forth in the District Report of the Department of Environmental Facilities dated August 15, 2024 ("District Report"), at a maximum estimated cost of One Hundred Five Million (\$105,000,000) Dollars, is necessary for the proper maintenance and service of District facilities, therefore is in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements, and is the best, most cost effective option available for this purpose. Accordingly, Act No. 210 -2024 was duly adopted by this Board on October 21, 2024 .

§2. This Board finds that pursuant to Section 268 of Article 5-A of the New York County Law, in order to proceed with the proposed increase and improvement to the District, approval of the Comptroller of the State of New York is required.

§3. The Chairman of the Board of the Board or his authorized designee is hereby directed and empowered to execute all instruments and take all actions reasonable, necessary and appropriate to petition the Comptroller of the State of New York pursuant to Section 268 of Article 5-A of the New York County Law for an order approving the County's issuance of bonds of the County in an amount not to exceed One Hundred Five Million (\$105,000,000) Dollars for the proposed increase and improvement of District facilities substantially in accordance with the District Report.

§4. This Act shall take effect immediately.

RESOLUTION NO. 175 – 2024

WHEREAS, the Westchester County Board of Supervisors, now known as the Westchester County Board of Legislators duly established Water District No. 1 (the "District") in the County of Westchester, New York by Act No. 29-1964; and

WHEREAS, by Act No. 209 -2024, which was duly adopted by this Honorable Board on 10/21 , 2024, pursuant to the requirements of Section 268 of the New York County Law, this Board found that the proposed increase and improvement of facilities of the District described as Capital Project WD103 – County Water District #1 – Alternate Water Supply ("WD103") and Capital Project WD105 – County Water District #1 – Rehabilitation of the 48 inch Kensico-Bronx Pipeline ("WD105" and together with WD103 the "Program") as set forth in the report of the Department of Environmental Facilities dated August 15, 2024 (the "District Report"), is necessary for the proper maintenance and service of District facilities, therefore is in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements, and is the best, most cost effective option available for this purpose; and

WHEREAS, pursuant to Article 5-A of the New York County Law, in order to proceed with the proposed increase and improvement of the facilities of the District, approval of the Comptroller of the State of New York (the "State Comptroller") is required; and

WHEREAS, by Act No. 210 -2024, the Chairman of the Board of Legislators or his authorized designee, was directed to make an application to the State Comptroller ("Application to the State Comptroller") for an order approving the expenditure for the increase and improvement of District facilities, which study, design, and construction management for the Program is to be financed by previously authorized bonds of the County in the amount of \$9,419,000 and the issuance of bonds of the County in an amount not to exceed \$8,750,000 with an additional issuance of bonds of the County at a later date in an amount not to exceed \$86,831,000 for the construction of the Program; and

WHEREAS, the regulations of the State Comptroller require that additional determinations be made by this Board with respect to the Application to the State Comptroller.

NOW, THEREFORE, BE IT

RESOLVED, that by Act No. 210 -2024, which was duly adopted by this Honorable Board on 10/21, 2024, this Honorable Board, directed the preparation of the Application to the State Comptroller; and it is further

RESOLVED, that this Honorable Board, believes that the contents of the Application to the State Comptroller, which has been submitted to this Board for review, are accurate; and it is further

RESOLVED, that this Honorable Board, having adopted Act No. 209 -2024, which found that the improvements proposed in the District Report were in the public interest, and now, having reviewed the Application to the State Comptroller, reaffirms its earlier determination and further finds that the proposed improvements will not constitute an undue burden on the property which will bear the cost thereof and to the extent that the cost of the proposed improvements will be assessed in whole or in part against benefited property, that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property will be excluded; and it is further

RESOLVED, that this Resolution shall take effect immediately.

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In the Matter of the Application of the
County of Westchester to the State of New
York State Comptroller pursuant to Section 268,
subsection 3, of Article 5-A of the New York
County Law for permission for an increase and
improvement of Westchester County Water
District No. 1 facilities to proceed with capital projects
WD103 (County Water District No. 1 Alternate
Water Supply) and WD105 (County Water District No. 1
Rehabilitation of the 48 inch Kensico-Bronx Pipeline)
necessary and desirable for the proper maintenance and
service of District facilities and to ensure the continued
effective operation of the District by issuing an amount
not-to-exceed \$105,000,000 in bonds, notes or other
evidences of indebtedness of the County.
-----X

**VERIFIED
APPLICATION**

Vedat Gashi, being duly sworn, hereby deposes and says:

1. I am the Chairman of the Board of Legislators of Westchester County (the "Board of Legislators") and am making this application to the Comptroller of the State of New York ("State Comptroller") on behalf of Westchester County (the "County") pursuant to Section 268, subsection 3, of the New York County Law for permission for an increase and improvement of Westchester County Water District No. 1 ("Water District No. 1" or the "District") facilities in order to proceed with a capital project identified as WD103 (County Water District No.1 Alternate Water Supply) (hereafter "WD103") and capital project identified as WD105 (County Water District No. 1 Rehabilitation of the 48 inch Kensico-Bronx Pipeline) (hereafter WD105) which are necessary and desirable for the proper maintenance and service of District facilities and to ensure the continued effective operation of the District at a total cost not-to-exceed \$105,000,000 in bonds, notes, certificates or other evidences of indebtedness of the County.

2. I have been directed by §_ of Act No. ___-2024 of the Board of Legislators, which was duly adopted on _____ to execute all instruments and take all actions reasonable, necessary and appropriate to petition the State Comptroller pursuant to Section 268 of the New

York County Law for an order approving the issuance of bonds in a maximum amount not-to-exceed \$105,000,000 by the County for the proposed increase and improvement of facilities of Water District No. 1, substantially in accordance with the district report dated August 15, 2024 (the "District Report") submitted by the Westchester County Department of Environmental Facilities ("Environmental Facilities") on behalf of the District. This application is being made in accordance with the regulations of the State Comptroller which are contained in Title 2, Part 85 of the New York Code of Rules and Regulations ("NYCRR"). For convenience, references will be made in brackets at the end of each point in this application to the applicable provision of the Comptroller's regulations, which that particular point is addressing. A copy of the Committee Report, a certified copy of Resolution No. ____-2024 (which was adopted to set the public hearing required by Section 268 of the New York County Law) and a certified copy of Act No. ____-2024 is annexed hereto and made a part hereof as Exhibit "A". A copy of the District Report for Water District No. 1 is annexed hereto and made a part hereof as Exhibit "B". [Part 85.3]

3. By Act No. ____-2024, the County Board of Legislators determined that the proposed increase and improvement of facilities of Water District No. 1 set forth in the District Report is necessary for the proper maintenance and service of District facilities, therefore is in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements, and is the best, most cost effective option available for this purpose. (See Exhibit "A"). [Part 85.4(a)]

4. Pursuant to two memoranda from the Westchester County Department of Planning ("Planning"), and in accordance with SEQRA regulations, the proposed improvements can be classified as Type II actions. Said memoranda are annexed hereto and made a part hereof as Exhibit "C". [Part 85.3]

5. Section 167.131 of the County Charter mandates that a capital budget amendment that introduces a new capital project or changes the location, size or character of an existing capital project requires a report of the Westchester County Planning Board (the "Planning Board") with

respect to the physical aspects of the project. The necessary Planning Board resolution and report for WD103 and WD105 are annexed hereto and made a part hereof as Exhibit "D". [Part 85.3]

6. By Resolution No. ____-2024, which was duly adopted on _____, 2024, the Board of Legislators directed that this application be prepared, found that the proposed increase and improvement of facilities of Water District No. 1 is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof, that the cost of the proposed improvements will be assessed against all benefited properties in said District and that no benefited property will be excluded, and that said Board of Legislators believes that the contents of this application are accurate. A certified copy of Resolution No. ____-2024 is annexed hereto and made a part hereof as Exhibit "E" ("State Regulations Resolution"). [Part 85.3(b) (1)]

7. The opinion of legal counsel is annexed hereto and made a part hereof as Exhibit "F". [Part 85.3(b) (2) and Part 85.5]

8. All statements below are made upon information and belief. I believe that the following statements are true based upon the exhibits which are annexed hereto and made a part of this application and upon information provided to me by various County officials, including staff of the County Departments of Environmental Facilities, Planning, Budget and Finance, as well as, officials from the following four (4) municipalities: City of Mount Vernon; City of White Plains; City of Yonkers; and Village of Scarsdale, which comprise Water District No. 1.

9. All documents and information required to be included by Section 268 of the County Law are as follows: the plan of the proposed increase and improvement of District facilities is the District Report for Water District No. 1, (see Exhibit "B"); a certified copy of Resolution No. __-2024, authorizing the publication of a Notice of Hearing, which is annexed hereto and made a part hereof as Exhibit "G"; a copy of the proof of publication of the Notice of Public Hearing which was published on _____, 2024 (see also Exhibit "G"); the public hearing was held on _____, 2024 at _____ p.m.; and Act No. __-2024, which notes that a public hearing was held and that the County Board of Legislators found the proposed increase and improvement

of facilities is in the public interest and which directs the County Commissioner of Environmental Facilities to proceed with the improvement. (see Exhibit "A"). [Part 85.4 (a)].

10. A description of the proposed improvement is contained in the District Report, (see Exhibit "B"). [Part 85.4 (b)].

11. The statement setting forth the maximum cost of the proposed improvement is contained in the District Report, (see Exhibit "B"). [Part 85.4 (c)].

12. The statement containing the factors, which the Board of Legislators considered can be found in Act No. ____-2024 and the accompanying Committee Report (see Exhibit "A"), which references the District Report (see Exhibit "B"). [Part 85.4 (d)]. The primary reasons cited by the Board of Legislators in Act. ____-2024, based upon the information contained in the District Report, are that the proposed increase and improvement is necessary for the proper maintenance and service of District facilities, therefore is in the public interest in order to ensure a continuous, uninterrupted supply of drinking water to District users in compliance with federal, state and local regulatory requirements, and is the best, most cost effective option available for this purpose. In addition, the District Report (see Exhibit "B") recommends assessing the cost of these improvements over Water District No. 1, pursuant to the previously established zones of assessment. It further indicates that the cost of the proposed improvements will be assessed against all District properties benefiting from the program, noting that no benefited property will be excluded.

13. The statement describing the proposed manner of financing the cost of the improvement is attached hereto as Exhibit "H". [Part 85.4 (e) (1)]. There is no proposed State or Federal aid in connection with the proposed improvement. [Part 85.4 (e) (2)].

14. An estimate of the cost of operating and maintaining the proposed improvement can be found in Section IV of the District Report annexed thereto (see Exhibit "B"). [Part 85.4 (f)].

15. The statements detailing the manner in which it is proposed to raise the cost of debt service and operation and maintenance is contained in Exhibit "H" hereto. [Part 85.4(g)].

(Parts 85.4 (h) and (i) do not apply to this application.)

16. While this application is being made pursuant to Section 268 of the County Law, it is not proposing to establish two or more zones of assessment within the District. It should however be noted that a statement of the allocation of costs of the proposed improvement between the previously established zones of assessment is included in the District Report (see Exhibit "B"). [Part 85.4 (j)].

17. A statement of the average full valuation of the taxable real property of the County computed pursuant to the first paragraph of subdivision seven-a of Section 2.00 of the Local Finance Law is annexed hereto and made a part hereof as Exhibit "I". [Part 85.4 (k)].

18. In lieu of the statements required by subdivisions (l) and (m), the County has submitted its most recent Constitutional Debt Statement which is annexed hereto and made a part hereof as Exhibit "J". [Part 85.4 (n)].

19. The current tax rates and assessments applicable to the taxable real property which will bear the cost of the improvement is annexed hereto and made a part hereof as Exhibit "K". [Part 85.4 (o)].

20. A statement of the assessed value of a Typical Property can be found in Attachment No. 1 to the District Report. (see Exhibit "B"). [Part 85.4 (p)].

21. The statement setting forth the amount it is estimated that the owner of a Typical Property and, if different, a Typical One- or Two-Family Home will be required to pay in the first year following approval of the application, if granted, for debt service, operation and maintenance and other charges, related to the proposed improvement, together with an explanation of how such costs have been computed, can be found in Exhibit "K" attached hereto

and made a part hereof. The figures were prepared for all previously established zones of assessment and are illustrative of the spectrum of property valuation in the District. [Part 85.4 (q)].

22. The statement setting forth the maximum amount any real property owner will be required to pay in the first year following approval of the application, if granted, for debt service, operation, maintenance and other charges related to the proposed improvement, together with an explanation of how such costs have been computed is annexed hereto and made a part hereof as Exhibit "L". [Part 85.4 (r)].

23. Upon information and belief, the only State lands in Water District No. 1 are as set forth in Exhibit "M," which is attached hereto and forms a part hereof. No costs will be borne by the aforementioned State lands, which are exempt. [Part 85.4 (s)].

24. Upon information and belief, there are no areas of the District that are located in an existing or proposed agricultural district. [Part 85.4 (t)].

25. The statement setting forth the population of Water District No. 1, which will bear the costs of the improvement and the number of one and two-family homes located in Water District No. 1, along with a statement of the assessed value of the Typical One- or Two-Family Home, and a description of any non-residential areas, including the total assessed value thereof is annexed hereto and made a part hereof as Exhibit "N." [Part 85.4 (u)].

26. It has been determined by the governing board that the proposed improvement may benefit vacant land within the District. The status of any proposals for the development of such land was not a factor in the governing board's determination that the cost of the proposed improvements will not constitute an undue burden on the area which will bear the cost of those improvements. That is, that determination is not dependent, in whole or in part, on the development of vacant land. Any such future development will only serve to reduce the cost of the proposed improvement in future years below the maximum cost contained in the District Report. (see Exhibit "B"). [Part 85.4 (v)].

(Part 85.4 (w) does not apply to this application.)

27. No other actions have been taken by the County Board of Legislators, other than those actions required by the applicable provisions of the New York County Law, to apprise the owners of properties which will bear the cost of the proposed improvement of the cost, including estimated first year costs. [Part 85.4 (y)]

28. Upon information and belief, no objections have been received from the owners of real property that will bear the cost of the proposed improvement relating to such costs. [Part 85.4 (z)]

VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

Vedat Gashi, being duly sworn, deposes and says that he is the Chairman of the County Board of Legislators of the County of Westchester, the applicant named in the above caption; and that he has read the foregoing application and knows the contents thereof; and that the same is true to his own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

Chairman
Westchester County Board of Legislators

Sworn to before me this
___ day of _____, 2024.

Notary Public

Exhibit "A"

COMMITTEE REPORT;

CERTIFIED COPY OF ACT NO. ____-2024;

CERTIFIED COPY OF ACT NO. ____-2024;

AND

CERTIFIED COPY OF RESOLUTION NO. __-2024

ARE ATTACHED HERETO

Exhibit "B"

DISTRICT REPORT FOR WATER DISTRICT NO. 1 IS ATTACHED HERETO

Exhibit "C"

**SEORA MEMORANDA FROM THE WESTCHESTER COUNTY DEPARTMENT OF
PLANNING IS ATTACHED HERETO**

Exhibit "D"

**WESTCHESTER COUNTY PLANNING BOARD RESOLUTION AND REPORT
ARE ATTACHED HERETO**

Exhibit "E"

CERTIFIED COPY OF STATE REGULATIONS RESOLUTION ATTACHED HERETO

Exhibit "F"

OPINION OF LEGAL COUNSEL ATTACHED HERETO

Exhibit "G"

CERTIFIED COPY OF RESOLUTION NO. -2024
Public Hearing Resolution

and

PROOF OF PUBLICATION OF THE NOTICE OF PUBLIC HEARING
published on _____, 2024

ATTACHED HERETO

Exhibit "H"

THE PROPOSED MANNER OF FINANCING ATTACHED HERETO

BOND DEBT SERVICE
 County of Westchester, New York
 Series 2024 EDS
 Special District Estimated Debt Service Schedule
 30 Year Amortization

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
03/15/2025			2,493,750.00	2,493,750.00	
09/15/2025	1,649,492.66	4.750%	2,493,750.00	4,143,242.66	
12/31/2025					6,636,992.66
03/15/2026			2,454,574.55	2,454,574.55	
09/15/2026	1,727,843.57	4.750%	2,454,574.55	4,182,418.12	
12/31/2026					6,636,992.67
03/15/2027			2,413,538.26	2,413,538.26	
09/15/2027	1,809,916.13	4.750%	2,413,538.26	4,223,454.39	
12/31/2027					6,636,992.65
03/15/2028			2,370,552.76	2,370,552.76	
09/15/2028	1,895,887.15	4.750%	2,370,552.76	4,266,439.91	
12/31/2028					6,636,992.67
03/15/2029			2,325,525.44	2,325,525.44	
09/15/2029	1,985,941.79	4.750%	2,325,525.44	4,311,467.23	
12/31/2029					6,636,992.67
03/15/2030			2,278,359.32	2,278,359.32	
09/15/2030	2,080,274.03	4.750%	2,278,359.32	4,358,633.35	
12/31/2030					6,636,992.67
03/15/2031			2,228,952.81	2,228,952.81	
09/15/2031	2,179,087.04	4.750%	2,228,952.81	4,408,039.85	
12/31/2031					6,636,992.66
03/15/2032			2,177,199.49	2,177,199.49	
09/15/2032	2,282,593.68	4.750%	2,177,199.49	4,459,793.17	
12/31/2032					6,636,992.66
03/15/2033			2,122,987.89	2,122,987.89	
09/15/2033	2,391,016.88	4.750%	2,122,987.89	4,514,004.77	
12/31/2033					6,636,992.66
03/15/2034			2,066,201.24	2,066,201.24	
09/15/2034	2,504,590.18	4.750%	2,066,201.24	4,570,791.42	
12/31/2034					6,636,992.66
03/15/2035			2,006,717.23	2,006,717.23	
09/15/2035	2,623,558.21	4.750%	2,006,717.23	4,630,275.44	
12/31/2035					6,636,992.67
03/15/2036			1,944,407.72	1,944,407.72	
09/15/2036	2,748,177.23	4.750%	1,944,407.72	4,692,584.95	
12/31/2036					6,636,992.67
03/15/2037			1,879,138.51	1,879,138.51	
09/15/2037	2,878,715.65	4.750%	1,879,138.51	4,757,854.16	
12/31/2037					6,636,992.67
03/15/2038			1,810,769.01	1,810,769.01	
09/15/2038	3,015,454.64	4.750%	1,810,769.01	4,826,223.65	
12/31/2038					6,636,992.66
03/15/2039			1,739,151.97	1,739,151.97	
09/15/2039	3,158,688.73	4.750%	1,739,151.97	4,897,840.70	
12/31/2039					6,636,992.67
03/15/2040			1,664,133.11	1,664,133.11	
09/15/2040	3,308,726.45	4.750%	1,664,133.11	4,972,859.56	
12/31/2040					6,636,992.67
03/15/2041			1,585,550.85	1,585,550.85	
09/15/2041	3,465,890.96	4.750%	1,585,550.85	5,051,441.81	
12/31/2041					6,636,992.66
03/15/2042			1,503,235.94	1,503,235.94	
09/15/2042	3,630,520.78	4.750%	1,503,235.94	5,133,756.72	

BOND DEBT SERVICE

County of Westchester, New York
 Series 2024 EDS
 Special District Estimated Debt Service Schedule
 30 Year Amortization

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
12/31/2042					6,636,992.66
03/15/2043			1,417,011.08	1,417,011.08	
09/15/2043	3,802,970.51	4.750%	1,417,011.08	5,219,981.59	
12/31/2043					6,636,992.67
03/15/2044			1,326,690.53	1,326,690.53	
09/15/2044	3,983,611.61	4.750%	1,326,690.53	5,310,302.14	
12/31/2044					6,636,992.67
03/15/2045			1,232,079.75	1,232,079.75	
09/15/2045	4,172,833.16	4.750%	1,232,079.75	5,404,912.91	
12/31/2045					6,636,992.66
03/15/2046			1,132,974.96	1,132,974.96	
09/15/2046	4,371,042.74	4.750%	1,132,974.96	5,504,017.70	
12/31/2046					6,636,992.66
03/15/2047			1,029,162.70	1,029,162.70	
09/15/2047	4,578,667.27	4.750%	1,029,162.70	5,607,829.97	
12/31/2047					6,636,992.67
03/15/2048			920,419.35	920,419.35	
09/15/2048	4,796,153.96	4.750%	920,419.35	5,716,573.31	
12/31/2048					6,636,992.66
03/15/2049			806,510.69	806,510.69	
09/15/2049	5,023,971.28	4.750%	806,510.69	5,830,481.97	
12/31/2049					6,636,992.66
03/15/2050			687,191.38	687,191.38	
09/15/2050	5,262,609.91	4.750%	687,191.38	5,949,801.29	
12/31/2050					6,636,992.67
03/15/2051			562,204.39	562,204.39	
09/15/2051	5,512,583.88	4.750%	562,204.39	6,074,788.27	
12/31/2051					6,636,992.66
03/15/2052			431,280.52	431,280.52	
09/15/2052	5,774,431.62	4.750%	431,280.52	6,205,712.14	
12/31/2052					6,636,992.66
03/15/2053			294,137.77	294,137.77	
09/15/2053	6,048,717.12	4.750%	294,137.77	6,342,854.89	
12/31/2053					6,636,992.66
03/15/2054			150,480.74	150,480.74	
09/15/2054	6,336,031.18	4.750%	150,480.74	6,486,511.92	
12/31/2054					6,636,992.66
	105,000,000.00		94,109,779.92	199,109,779.92	199,109,779.92

NEW YORK OFFICE
631.331.8888



CONNECTICUT OFFICE
860.227.8701
860.490.7297

Date: July 29, 2024

To: County of Westchester, New York
148 Martine Ave
White Plains, New York 10601

From: Joseph Nocerino
Vice President
Munistat Services, Inc.

Re: Water District 1 Amortization Assumptions

In order to assist the County in its application to the Office of the State Comptroller for approval of Water District 1, there follows our statement describing the proposed manner of financing the cost of the project. Munistat Services, Inc. is registered as a Municipal Advisor with the Securities Exchange Commission as well as the Municipal Securities Rulemaking Board. As Advisor to hundreds of municipalities in the State of New York, we advise on the issuance of approximately 150 bond and note issues with a total par amount of over \$1.4 billion on an annual basis.

When issued, the County's bonds will be general obligation bonds, structured with level debt service and sold via competitive public sale. Because of the County's excellent credit ratings of "AAA" from Fitch Ratings, "Aa1" from Moody's Investors Service, and "AA+" from S&P Global, strong debt profile, wealthy tax base, strong reserves and the strength of its management team, the County has historically received a great reception from its investors.

An estimated debt service schedule for the issuance of the bonds is attached. The term of the bonds will be for 30 years. The estimates include a rate of 4.75% which we feel represents a reasonable and conservative rate based on current market conditions.

Exhibit "I"

**STATEMENT OF THE AVERAGE FULL VALUATION OF THE TAXABLE REAL
PROPERTY OF THE COUNTY**

Statement of Full Valuation of the Taxable Real Property of the County

Assessment Year	Full Value
2023	230,656,380,857
2022	209,995,464,095
2021	190,866,449,724
2020	187,487,527,225
2019	184,332,939,754
Total	1,003,338,761,655
Avg Full Value	200,667,752,330.99

Exhibit "J"

CONSTITUTIONAL DEBT STATEMENT ATTACHED HERETO

water and certain sewer facilities and cash or appropriations for current debt service. The constitutional method for determining average full valuation is calculated by taking the assessed valuations of taxable real estate for the last five completed assessment rolls and applying thereto the ratio which such assessed valuation bears to the full valuation; full valuation is determined by the New York State Office of Real Property Services or such other State agency or officer as the State Legislature shall direct. The Legislature also is required to prescribe the manner by which such ratio shall be determined by such authority.

The following table sets forth the debt limit of the County and its debt contracting margin under such constitutional standard.

TABLE 5

Summary of Constitutional Debt Statement Prepared as of December 31, 2023

Five-year average full valuation of taxable real property	\$200,762,740,689
Debt limit (7% thereof).....	<u>14,053,391,848</u>
Outstanding indebtedness:	
Bonds	\$ 1,494,629,305
Bond Anticipation Notes	-
Less Exclusions:	
Current year Debt Service Appropriation (principal only)	
General Fund and Special Revenue Fund Airport.....	98,042,526
District Funds	11,866,619
Certain Sewer District Debt.....	244,215,510
Water District Debt	<u>20,527,912</u>
Total Exclusions	<u>374,652,567</u>
Total Net Indebtedness	\$ <u>1,119,976,738</u>
Net Debt contracting margin	<u>\$12,933,415,110</u>
Percentage of Debt Contracting Power Exhausted as of December 31, 2023	<u>7.93%</u>

There is no constitutional limitation on the amount that may be raised by the County by tax on real estate in any fiscal year to pay interest and principal on all indebtedness. However, the Tax Levy Limitation Law imposes a statutory limit on the amount of taxes the County may levy. See "FINANCIAL FACTORS - Tax Levy Limitation Law" herein.

In prior years, the County has advance refunded various County bonds by placing the proceeds of the refunding bonds in irrevocable trusts to provide for all future debt service payments. These bonds continued to be general obligations of the County. However, inasmuch as moneys held in an escrow fund will be sufficient to meet all debt service requirements for such bonds, it is not anticipated that any other source of payment will be required. As of December 31, 2023 there is no remaining future debt service for advance refunded bonds.

General. The County is further subject to constitutional limitation by the general constitutionally imposed duty on the State Legislature to restrict the power of taxation, assessment, borrowing money, contracting indebtedness and loaning the credit of the County so as to prevent abuses in taxation and assessments and in contracting indebtedness; however, the State Legislature is prohibited by a specific constitutional provision from restricting the power of the County to levy taxes on real estate for the payment of interest on or principal of indebtedness theretofore contracted. However, the Tax Levy Limitation Law imposes a statutory limit on the power of the County to increase its annual tax levy. (See "FINANCIAL FACTORS - Tax Levy Limitation Law" herein).

Exhibit "K"

**THE CURRENT TAX RATES AND ASSESSMENTS APPLICABLE TO THE TAXABLE
REAL PROPERTY WHICH WILL BEAR THE COST OF THE IMPROVEMENTS
IS ATTACHED HERETO**

Westchester County Water District#1	Mount Vernon (28%)	White Plains (30%)	Yonkers (24%)	Scarsdale (18%)	Total	
assessed value of typical home	\$9,807	\$14,554	\$11,266	\$1,606,457		
Project cost	\$29,400,000	\$31,500,000	\$25,200,000	\$18,900,000	\$105,000,000	
Annual Debt share	\$1,858,357.94	\$1,991,097.80	\$1,592,878.24	\$1,194,658.68	\$6,636,993	
Additional O&M	\$95,200.00	\$102,000.00	\$81,600.00	\$61,200.00	\$340,000	\$105,340,000 total project cost
total annual project costs	\$1,953,557.94	\$2,093,097.80	\$1,674,478.24	\$1,255,858.68	\$6,976,993	
2023 taxable assessed value from assessment rolls	\$146,057,523	\$280,525,842	\$465,411,451	\$9,165,980,480		
tax rate increase for project	\$13.3753	\$7.4613	\$3.5978	\$0.1370		
typical cost increase calculated	\$131.171	\$108.592	\$40.533	\$220.106	\$118.65	weighted average
2024 county water tax rate	\$9.0086	\$5.0802	\$2.4102	\$0.0923		
2024 tax roll taxable assessed value	\$146,039,014	\$277,465,127	\$467,876,202	\$9,158,361,052		
2024 county water tax per tax rolls (TDV)	\$1,315,614	\$1,409,587	\$1,127,670	\$845,752	\$4,698,623	
2024 typical cost	\$88.35	\$73.94	\$27.15	\$148.35		
new tax rate	\$22.3839	\$12.5416	\$6.0080	\$0.2294		
total typical water cost after improvement	\$219.52	\$182.53	\$67.69	\$368.46	\$209.55	average
rate for project debt on 2024 TAV	12.7251	7.1760	3.4045	0.1304		
rate for project increased O&M on 2024 TAV	0.6519	0.3676	0.1744	0.0067		
typical increase for project debt	\$124.79	\$104.44	\$38.35	\$209.55		
typical increase for project O&M	\$6.39	\$5.35	\$1.96	\$10.74		

Exhibit "L"

**STATEMENT SETTING FORTH THE MAXIMUM AMOUNT ANY REAL PROPERTY
OWNER WILL BE REQUIRED TO PAY IN THE FIRST YEAR IS ATTACHED
HERETO**

Exhibit "M"

**A DESCRIPTION OF THE STATE LANDS OF THE DISTRICT IS ATTACHED
HERETO**

Exhibit "N"

The population of Water District No. I which will bear the costs of the improvements is 359,576.

The number of one and two-family homes located in Water District No. I is the following:

City of Mount Vernon: 7,315

City of White Plains: 7,613

City of Yonkers: 23,098

Town of Scarsdale: 5,378

Cities/Town 2023 Typical Assessed Value of One or Two Family Homes

City of Mount Vernon	\$9,568
City of White Plains	\$13,336
City of Yonkers	\$11,233
Town of Scarsdale	\$1,607,000

Nonresidential Areas Total Assessed Value

City of Mount Vernon	\$114,244,468
City of White Plains	\$288,556,348
City of Yonkers	\$444,557,991
Town of Scarsdale	\$1,450,508,056

ACT NO. 211 - 2024

BOND ACT DATED October 21, 2024.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$6,000,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR AN ALTERNATE WATER SUPPLY CONNECTION TO THE DELAWARE AQUEDUCT AT SHAFT 23 IN THE CITY OF YONKERS, FOR THE USE AND BENEFIT OF COUNTY WATER DISTRICT NO. 1.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, except for required proceedings to be completed in compliance with Section 268 of the County Law, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such improvement;
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the design and construction management costs for the for an alternate water supply connection to the Delaware Aqueduct at Shaft 23 in the City of Yonkers, and ancillary or related work and incidental expenses thereof, all for the use and benefit of County Water District No. 1, a class of objects or purposes, there are hereby authorized to be issued \$6,000,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any

details set forth in the current Capital Budget of the County, such Capital Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$6,000,000, and that the plan for the financing thereof is by the issuance of the \$6,000,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not provided for by the assessment of benefited properties in County Water District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to

the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the Commissioner's sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein, relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of

Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 16. No obligations authorized hereby shall be issued until the County shall complete proceedings under Section 268 of the County Law, and shall have determined, after a public hearing held thereunder, that the undertaking of the improvements to County Water District

No. 1 contemplated hereby is in the public interest. No expenditure for aforesaid specific object or purpose or purposes shall be made unless the State Comptroller has consented thereto as required by Section 268 of the County Law.

2024 Capital Project Requests

Report of the Westchester County Planning Board

July 11, 2023

George Latimer
County Executive

Richard Hyman
Chair
Westchester County Planning Board

WD103 County Water District #1 - Alternate Water Supply

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Approp- riated	2024	2025	2026	2027	2028	Under Review
Gross Non-County Share	93,107	16,857	76,250					
County Share	93,107	16,857	76,250					

Project Description

This project will fund the installation of two Ultraviolet (UV) facilities at the northern portion of the 48-inch Kensico-Bronx pipeline (KBP) for County Water District #1; and now will provide for an alternate water supply connection at the southern end of the KBP. The first phase of the project included the installation of UV facilities at the Central Avenue Pumping Station (CAPS) and the Orchard Street Pumping Station which are now complete. However, the Westchester County Health Department (WCDOH) has identified some deficiencies in the emergency backup power system that will be addressed in a subsequent phase. Phase II: Design for the southern connection and the facilities emergency backup system upgrade are anticipated to start in 2023 with construction appropriations shown in 2024. A budget modification is requested to increase the 2024 appropriations for Phase II.

Appropriation Requests

- 2003: \$200,000 for Study.
- 2014: \$9,219,000 for Design and Construction.
- 2016: \$1,438,000 for Construction and Cost Escalation.
- 2020: \$1,000,000 for Construction and Cost Escalation.
- 2021: \$5,000,000 for Construction and Cost Escalation.
- 2024: \$76,250,000 for Construction.

Justification

In 2006, the Long Term 2 Surface Water Treatment ("LT2") Rule established regulations which would require public water suppliers to provide enhanced disinfection treatment of drinking water to reduce potential for contamination from microbial organisms (cryptosporidium and giardia). This alternative connection will provide redundancy and protect against the loss of water in the event of a break in the pipe. Furthermore, the NYC DEP has announced that they will be conducting a series of shutdowns of the Delaware Aqueduct for maintenance. The southern connection portion of this project needs to be expedited in order to provide an alternate water source for the KB Pipeline when the Delaware Aqueduct water supply is unavailable.

Consistency with Programs or Plans

The project is consistent with the policies of "Westchester 2025", the County's long-range land use policies, in that it will maintain safe and environmentally sound systems and policies for water distribution and resource management.

Planning Board Analysis

PL2: The Planning Board acknowledges the importance of protecting drinking water supplies and maintaining those DEF facilities that provide and distribute drinking water. Plans should be coordinated with Planning Department staff to ensure that impacts to the sites and vicinities are kept to a minimum during the proposed work. Plans for the Kensico Dam site will be coordinated with any park improvements planned by the Parks Department.

RESOLUTION 23 8
WESTCHESTER COUNTY PLANNING BOARD

2024 Capital Project Requests
Adoption of Planning Board Report

WHEREAS, pursuant to Section 167.31 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of the proposed 2024 capital projects to the County Executive, Budget Director and Capital Projects Committee; and

WHEREAS, the Planning Department staff prepared a revised draft report on the 2024 capital project requests and provided it to the Planning Board for their review and consideration; and

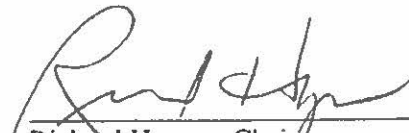
WHEREAS, the Planning Board held a meeting on June 13, 2023 to discuss the draft report on the 2024 capital project requests; and

WHEREAS, any additional recommendations, comments and changes suggested by the Planning Board and contained within the minutes of the Planning Board's July 11, 2023 meeting shall be incorporated into the Planning Board Report on the 2024 Capital Project Requests; and


WHEREAS, the Planning Board finds that the proposed 2024 Capital Project Requests have been reviewed with respect to the adopted policies of the board including *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning*; now, therefore, be it

RESOLVED, that the Westchester County Planning Board, pursuant to Section 167.13 of the County Charter, adopts the Planning Board Report on the 2024 Capital Project Requests dated July 11, 2023 as amended by the comments contained in the minutes of the Planning Board's July 11, 2023 meeting.

Adopted this 11th day of July, 2023.


Richard Hyman, Chair

TO: Lynne Colavita, Senior Assistant County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: February 21, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
WD103 COUNTY WATER DISTRICT #1 - ALTERNATE WATER SUPPLY**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02-07-2024 (Unique ID: 2468)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
-

COMMENTS: The current request is for design and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

DSK/jfg

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Michelle Greenbaum, Senior Assistant County Attorney
Jeffrey Goldman, Senior Assistant County Attorney
Carla Chaves, Senior Assistant County Attorney
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

CAPITAL PROJECT FACT SHEET

Project ID:* CBA **Fact Sheet Date:***
01-25-2024
WD103

Fact Sheet Year:* **Project Title:*** **Legislative District ID:**
2024 COUNTY WATER DISTRICT #1 - 5, 17, 16, 15, 14, 13,
ALTERNATE WATER SUPPLY

Category* **Department:*** **CP Unique ID:**
SEWER AND WATER DISTRICTS ENVIRONMENTAL FACILITIES 2468

Overall Project Description

Funds from this project will provide an alternate water supply connection for the 48" Kensico Bronx Pipeline (KBP) in County Water District #1. In 2006 the US EPA established regulations which required enhanced disinfection treatment of drinking water. In response to these regulations the County is required to provide two ultraviolet (UV) disinfection facilities in White Plains to serve the northern portion of the KBP which will bring all of CWD#1 into compliance with the mandated regulations.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	93,107	16,857	0	76,250	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	93,107	16,857	0	76,250	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 10,817

Current Bond Description: Design and Construction Management funding for an alternate water supply connection to the NYCDEP Delaware Aqueduct at Shaft 23, located in the City of Yonkers. This connection will supply raw water, via a new transmission main, to a new treatment facility which will be located along the routing of the new main and prior to connecting to the southern portion of the existing KBP.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	6,000,000
Cash:	0
Total:	\$ 6,000,000

SEQR Classification:

TYPE II

Amount Requested:

6,000,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

Energy Efficiencies:

COUNTY WATER DISTRICT #1 - ALTERNATE WATER SUPPLY (WD103)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; Public Works ;
Estimated Completion Date: TBD
Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	93,107	16,857	10,817		76,250				
Non County Share									
Total	93,107	16,857	10,817		76,250				

Project Description

Funds from this project will provide an alternate water supply connection for the 48" Kensico Bronx Pipeline (KBP) in County Water District #1. In 2006 the US EPA established regulations which required enhanced disinfection treatment of drinking water. In response to these regulations the County is required to provide two ultraviolet (UV) disinfection facilities in White Plains to serve the northern portion of the KBP which will bring all of CWD#1 into compliance with the mandated regulations.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the District Budget is the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2003	200,000	Study of alternate supply from Hillview Reservoir, City of Mt, Vernon and Yonkers to study	COMPLETE
2014	9,219,000	Design & Construction of Ultra-Violet Treatment Facilities	CONSTRUCTION
2016	1,438,000	Additional construction costs	CONSTRUCTION
2020	1,000,000	Cost escalation	AWAITING BOND AUTHORIZATION
2021	5,000,000	Design and construction management of southern connection.	AWAITING BOND AUTHORIZATION
Total	16,857,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	15,419,000	9,236,303	6,182,697
Funds Revenue	1,438,000	1,438,000	
Total	16,857,000	10,674,303	6,182,697

**COUNTY WATER DISTRICT #1 - ALTERNATE WATER SUPPLY
(WD103)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
3 11	200,000	11/19/15	164,723	21,109
		11/19/15	13,277	
		11/19/15	891	
187 14				
65 15	9,219,000	12/15/16	1,440,364	159,771
		12/15/17	5,567,592	
		12/15/17	922,588	
		12/15/17	12,063	
		12/10/18	955,659	
		12/10/19	149,870	
		12/10/19	11,093	
Total	9,419,000		9,238,120	180,880

430 STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on October 21, 2024 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
October 17, 2024

News Channel 12
The Journal News
Hometown Media
CBS2NY
The Examiner News
WABCTV News

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:


Designated Location(s)
of posted notice

Date of Posting
October 17, 2024

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on October 22, 2024.





Malika Vanderberg, Clerk
Westchester County Board of Legislators

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES: Legislator Jose Alvarado
 Legislator Nancy Barr
 Legislator Benjamin Boykin
 Legislator Terry Clements
 Legislator Margaret Cunzio
 Legislator Vedat Gashi
 Legislator David Imamura
 Legislator James Nolan
 Legislator Catherine Parker
 Legislator Erika Pierce
 Legislator Colin Smith
 Legislator Emiljana Ulaj
 Legislator Shanae Williams
 Legislator Jewel Williams-Johnson
 Legislator Tyrae Woodson-Samuels

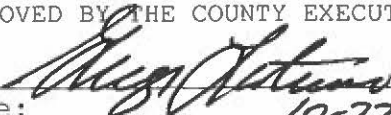
NOES:

ABSENT: Legislator Judah Holstein
 Legislator David Tubiolo

EXCUSED:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 10-22-24

ACT NO. 212 - 2024

BOND ACT DATED October 21, 2024.

A BOND ACT AUTHORIZING THE ISSUANCE OF \$2,750,000 BONDS OF THE COUNTY OF WESTCHESTER, NEW YORK, TO FINANCE DESIGN AND CONSTRUCTION MANAGEMENT COSTS FOR THE REHABILITATION OR REPLACEMENT OF VARIOUS ASPECTS OF THE KENSICO-BRONX PIPELINE, FOR THE USE AND BENEFIT OF COUNTY WATER DISTRICT NO. 1.

WHEREAS, the capital project hereinafter described has been duly approved in the adopted capital budget for the current fiscal year; and

WHEREAS, the plan for the financing of the estimated maximum cost of such capital project, as hereinafter set forth in this Bond Act, is in conformity with such capital budget; and

WHEREAS, except for required proceedings to be completed in compliance with Section 268 of the County Law, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of the cost of such improvement;
NOW, THEREFORE,

BE IT ENACTED, by the Board of Legislators of the County of Westchester, New York, by the affirmative vote of not less than two thirds of the entire voting strength thereof, as follows:

Section 1. For paying the design and construction management costs for the rehabilitation or replacement of various aspects of the Kensico-Bronx Pipeline, including a study to evaluate the condition of the Kensico-Bronx Pipeline and consider the improvement or replacement thereof, improvements to County owned facilities in Yonkers, installation of a power supply at the Central Avenue Pumping Station, and in each case, ancillary or related work and incidental expenses thereof, all for the use and benefit of County Water District No. 1, a class of objects or purposes,

there are hereby authorized to be issued \$2,750,000 bonds of said County pursuant to the provisions of the Local Finance Law. To the extent that the details of the aforesaid class of objects or purposes set forth in this act are inconsistent with any details set forth in the current Capital Budget of the County, such Capital Budget shall be deemed and is hereby amended to the extent inconsistent herewith.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$2,750,000, and that the plan for the financing thereof is by the issuance of the \$2,750,000 bonds of said County authorized to be issued pursuant to this Bond Act.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision sixty-two of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of the County of Westchester, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not provided for by the assessment of benefited properties in County Water District No. 1, or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Westchester, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of the corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as said Commissioner of Finance shall deem best for the interests of the County; including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Commissioner of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The Commissioner of Finance is hereby further delegated the power to authorize the sale and issuance of the bonds authorized pursuant to this Bond Act (a) at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, (b) at private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, including the private sale of bonds at a premium, (c) as capital appreciation bonds or term bonds at public sale or private sale pursuant to the applicable provisions of the Local Finance Law and any regulations of the New York State Comptroller appertaining thereto, and (d) at a variable rate of interest in the manner authorized by Section 54.90 of the Local Finance Law, including notes issued in anticipation thereof. The Commissioner of Finance is hereby authorized to enter into such agreements as said Commissioner of Finance shall determine reasonable and necessary to facilitate the issuance, sale, resale and, or repurchase of such bonds or notes pursuant to the provisions of Section 54.90 of the Local Finance

Law. Such bonds and, or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Commissioner of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Commissioner of Finance consistent with the provisions of the Local Finance Law.

Section 10. The Commissioner of Finance is hereby further authorized, at the Commissioner's sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this Bond Act is to give the Commissioner of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Board of Legislators.

Section 12. All other matters, except as provided herein, relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment,

and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this Bond Act are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This Bond Act shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this Bond Act, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 15. This Bond Act, which shall take effect immediately in accordance with the provisions of Section 33.10 of the Local Finance Law and as provided in Section 107.71 of the Westchester County Charter, shall be published in summary form in the official newspaper of said

County for purposes of this Bond Act, together with a notice of the Clerk of the Board of Legislators in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 16. No obligations authorized hereby shall be issued until the County shall complete proceedings under Section 268 of the County Law, and shall have determined, after a public hearing held thereunder, that the undertaking of the improvements to County Water District No. 1 contemplated hereby is in the public interest. No expenditure for aforesaid specific object or purpose or purposes shall be made unless the State Comptroller has consented thereto as required by Section 268 of the County Law.

2023 Capital Project Requests

Adopted

**Report of the
Westchester County Planning Board**

July 5, 2022

George Latimer
County Executive

Richard Hyman
Chair
Westchester County Planning Board

WD105 CWD #1 - Rehabilitation of the 48 inch Kensico-Bronx Pipeline

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Approp- riated	2023	2024	2025	2026	2027	Under Review
Gross Non-County Share	22,750	750	2,000		20,000			
County Share	22,750	750	2,000		20,000			

Project Description

This project will fund the repair, rehabilitation and/or replacement of various aspects of the 48” Kensico-Bronx Pipeline (KBP) in County Water District No. 1. Over the years, various issues have occurred with the 48” KBP, which is approximately 71,000 LF in length, such as breaks, joint leaks and drainage deficiencies. The drainage deficiencies have resulted in erosion of the soil under and over the pipeline. To ensure reliability and continued operation of the 48” KBP, this project will be broken down into study, design and construction phases. A Study will first evaluate its overall condition and identify any needed rehabilitation and drainage improvements as well as study replacement and routing alternatives. Approximate cost estimates for each type of deficiency will be provided and possible construction phasing will be determined once the Study has progressed.

The Study funds have already been appropriated and the study is scheduled to be conducted in 2022. Design and construction appropriations are shown to 2023 and 2025, respectively.

Appropriation Requests

- 2018: Study.
- 2023: Design.
- 2025: Construction and Construction Management.

Justification

County Water District No. 1 (CWD #1) comprises the cities of White Plains, Mount Vernon and Yonkers and the Village of Scarsdale. The Kensico-Bronx Pipeline (KBP) 48” connection to the Kensico Reservoir is at the base of the Kensico Dam. Since the 48” KBP has not been rehabilitated since acquisition from the City of New York in 1964, it is necessary to inspect the condition of the pipeline and perform any necessary repairs to ensure the reliability and continued operation.

Consistency with Programs or Plans

The project is consistent with the policies of “Westchester 2025”, the County’s long-range land use policies, in that it will maintain safe and environmentally sound systems and policies for water distribution and resource management.

Planning Board Analysis

PL2: The Planning Board acknowledges the importance of protecting drinking water supplies and maintaining those DEF facilities that provide and distribute drinking water. Plans should be coordinated with Planning Department staff to ensure that impacts to the sites and vicinities are kept to a minimum during the proposed work. Plans for the Kensico Dam site will be coordinated with any park improvements planned by the Parks Department.

RESOLUTION 22 12
WESTCHESTER COUNTY PLANNING BOARD

2023 Capital Project Requests
Adoption of Planning Board Report

WHEREAS, pursuant to Section 167.31 of the County Charter, the Planning Board must submit its recommendations with regard to the physical planning aspects of the proposed 2023 capital projects to the County Executive, Budget Director and Capital Projects Committee; and

WHEREAS, the Planning Department staff prepared a revised draft report on the 2023 capital project requests and provided it to the Planning Board for their review and consideration; and

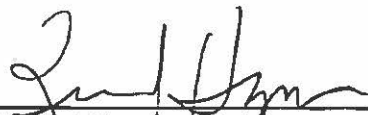
WHEREAS, the Planning Board held a meeting on June 8, 2022 to discuss the draft report on the 2023 capital project requests; and

WHEREAS, any additional recommendations, comments and changes suggested by the Planning Board and contained within the minutes of the Planning Board's July 5, 2022 meeting shall be incorporated into the Planning Board Report on the 2023 Capital Project Requests; and


WHEREAS, the Planning Board finds that the proposed 2023 Capital Project Requests have been reviewed with respect to the adopted policies of the board including *Westchester 2025 Context for County and Municipal Planning in Westchester County and Policies to Guide County Planning*; now, therefore, be it

RESOLVED, that the Westchester County Planning Board, pursuant to Section 167.13 of the County Charter, adopts the Planning Board Report on the 2023 Capital Project Requests dated July 5, 2022 as amended by the comments contained in the minutes of the Planning Board's July 5, 2022 meeting.

Adopted this 5th day of July, 2022.



Richard Hyman, Chair

TO: Lynne Colavita, Senior Assistant County Attorney
Department of Law 

FROM: David S. Kvinge, AICP, RLA, CFM
Assistant Commissioner

DATE: February 21, 2024

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
WD105 CWD #1 - Rehabilitation Of The 48 Inch Kensico-Bronx Pipeline**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02-07-2024 (Unique ID: 2469)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(27):** conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.
-

COMMENTS: The current request is for study, design and construction management. However, funds for construction management will not be expended unless funding for construction is approved, which will be subject to further environmental review as may be required by SEQR.

DSK/jfg

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Lawrence Soule, Budget Director
Tami Altschiller, Assistant Chief Deputy County Attorney
Dianne Vanadia, Associate Budget Director
Michelle Greenbaum, Senior Assistant County Attorney
Jeffrey Goldman, Senior Assistant County Attorney
Carla Chaves, Senior Assistant County Attorney
Joseph Brown, Capital Program Coordinator, Department of Environmental Facilities
Susan Darling, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Principal Environmental Planner

CAPITAL PROJECT FACT SHEET

Project ID:* WD105	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-25-2024
Fact Sheet Year:* 2024	Project Title:* CWD #1 - REHABILITATION OF THE 48 INCH KENSICO-BRONX PIPELINE	Legislative District ID: 5, 17, 16, 15, 14, 13.
Category* SEWER AND WATER DISTRICTS	Department:* ENVIRONMENTAL FACILITIES	CP Unique ID: 2469

Overall Project Description

This project will provide funding for the repair, rehabilitation and/or replacement of various aspects of the 48" Kensico-Bronx Pipeline (KBP) in County Water District No. 1.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2024	2025	2026	2027	2028	Under Review
Gross	22,750	2,750	0	20,000	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	22,750	2,750	0	20,000	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 0

Current Bond Description: Study, Design, and Construction Management funding for the repair, rehabilitation and/or replacement of various aspects of the 48" Kensico-Bronx Pipeline (KBP) in County Water District No. 1. The study will evaluate its overall condition; identify recommended rehabilitation, drainage improvements, replacement, and routing alternatives; and provide conceptual cost estimates. The work will include improvements to County owned facilities located at New York City's Shaft 22 in Yonkers, such as the installation of additional water meters to unmetered connections, air vents, hydrants, and isolation valves. The project will also include the installation of a new uninterruptible power supply at the Central Avenue Pumping Station.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	2,750,000
Cash:	0
Total:	\$ 2,750,000

SEQR Classification:

TYPE II

Amount Requested:

2,750,000

Expected Design Work Provider:

- County Staff Consultant Not Applicable

Comments:

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2018	750,000	EVALUATION STUDY.
2023	2,000,000	DESIGN AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

2,750,000

Total Financing History:

0

Recommended By:

Department of Planning	Date
SEDR	02-07-2024

Department of Public Works	Date
RJB4	02-08-2024

Budget Department	Date
DEV9	02-13-2024

Requesting Department	Date
JWBA	02-14-2024

CWD #1 - REHABILITATION OF THE 48 INCH KENSICO-BRONX PIPELINE (WD105)

User Department : Environmental Facilities
Managing Department(s) : Environmental Facilities ; Public Works ;
Estimated Completion Date: TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2024	2025	2026	2027	2028	Under Review
Gross	22,750	2,750			20,000				
Non County Share									
Total	22,750	2,750			20,000				

Project Description

This project will provide funding for the repair, rehabilitation and/or replacement of various aspects of the 48" Kensico-Bronx Pipeline (KBP) in County Water District No. 1.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the District Operating Budget is the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2018	750,000	Evaluation study.	AWAITING BOND AUTHORIZATION
2023	2,000,000	Design and Construction Management	AWAITING BOND AUTHORIZATION
Total	2,750,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	2,750,000		2,750,000
Total	2,750,000		2,750,000

430 STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER)

I, the undersigned Clerk of the Board of Legislators of the County of Westchester, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Board of Legislators of said County, including the Bond Act contained therein, held on October 21, 2024 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date Given
October 17, 2024

News Channel 12
The Journal News
Hometown Media
CBS2NY
The Examiner News
WABCTV News

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

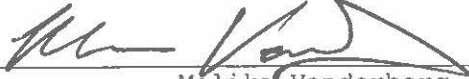
Designated Location(s)
of posted notice

Date of Posting
October 17, 2024

www.westchesterlegislators.com

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Board of Legislators on October 22, 2024.





Malika Vanderberg, Clerk
Westchester County Board of Legislators

The foregoing Bond Act was duly put to a vote which resulted as follows:

AYES: Legislator Jose Alvarado
 Legislator Nancy Barr
 Legislator Benjamin Boykin
 Legislator Terry Clements
 Legislator Margaret Cunzio
 Legislator Vedat Gashi
 Legislator David Imamura
 Legislator James Nolan
 Legislator Catherine Parker
 Legislator Erika Pierce
 Legislator Colin Smith
 Legislator Emiljana Ulaj
 Legislator Shanae Williams
 Legislator Jewel Williams-Johnson
 Legislator Tyrae Woodson-Samuels

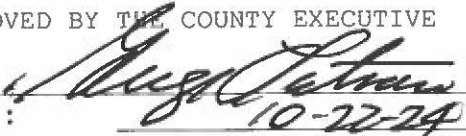
NOES:

ABSENT: Legislator Judah Holstein
 Legislator David Tubiolo

EXCUSED:

The Bond Act was thereupon declared duly adopted.

* * * * *
APPROVED BY THE COUNTY EXECUTIVE


Date: 10-22-24

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Act No's. 209, 210 - 2024, Resolution No. 175 - 2024, and (Bond) Act No's. 211, 212 - 2024, with the originals on file in my office, and that the same are correct transcripts therefrom, and of the whole, of said original Acts, Resolution, and (Bond) Acts, which were duly adopted by the Westchester County Board of Legislators, of the County of Westchester on October 21, 2024, and approved by the County Executive on October 22, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 23rd day of October, 2024.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

